

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-12177-MLW

LARRY PIONE
Plaintiff,

v.

MASSACHUSETTS PORT
AUTHORITY,

Defendant

JOINT MOTION TO AMEND SCHEDULING ORDER

Now come the parties to this action and jointly request that the Court Amend its Scheduling Order dated September 20, 2005, to allow depositions of health care providers to occur after the Court has ruled on motions for summary judgment but before trial. In support of this motion, the parties state as follows:

1. The Court's Scheduling Order sets forth that all discovery shall be complete by March 30, 2006. At present, the parties have completed all discovery except for the depositions of Mr. Pione's health care providers and one or perhaps two depositions proposed by the Plaintiff.
2. The parties agree that Mr. Pione's health care providers only need to be deposed if he is able to pursue claims for emotional distress damages.
3. The parties do not want to unnecessarily encumber the schedules of Mr. Pione's health care providers.
4. Depending on the outcome of anticipated motions for summary judgment, there may not be a need for the depositions of Mr. Pione's health care providers.

5. Accordingly, the parties request that the Court amend its Scheduling Order dated September 20, 2005, to allow depositions of health care providers to occur, if at all, after the Court has ruled on motions for summary judgment but before trial.

Respectfully submitted,

LARRY PIONE

MASSACHUSETTS PORT AUTHORITY,

By his attorney,

By its attorney,

/s/ Elise A. Brassil

/s/ William V. Hoch

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